

## **Policy 6.4.4      Art in Public Construction Projects**

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### **POLICY PURPOSE**

The purpose of this policy is to ensure the inclusion of art in public projects by establishing uniform guidelines and procedures for eligible municipal projects and to provide uniformity between the requirement for art in public construction projects with the requirement for art in private development.

### **POLICY STATEMENT**

The City Council after reviewing the status, intent and effectiveness of public art policy in Sunnyvale approved a policy to require art in public construction projects under certain circumstances.

### **DEFINITIONS**

1.      Art: The conscious use of skill and creative imagination in the production of aesthetic objects.
2.      Public Art: Artwork that is located in a public building or on public property that allows an unobstructed view of the artwork.
3.      Public Areas: Any public gathering place including, but not limited to; public plazas, the library, parks and park buildings, police and fire stations, community, neighborhood and senior centers, public transportation centers, and civic centers.
4.      Publicly Funded Projects: All construction funded by public or taxpayer funds.
5.      Eligible Projects:
  - A.      All aboveground publicly funded public buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
  - B.      All construction or renovation projects of \$100,000 or more in facilities such as:
    - Sunnyvale Community Center
    - Sunnyvale Civic Center complex including Library and Public Safety Building
    - Fire Stations
    - Columbia Neighborhood Center
    - Neighborhood Park Buildings
    - Water Pollution Control Plant and SMART Station
    - Focal points and gateways into the community

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- Any future City buildings that are comparable in nature
6. Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.
  7. Eligible Costs: Acquisition of artwork, staff and consultant costs associated with the acquisition and installation of the artwork, artist and design fees, artist travel, transportation and installation of artwork, lighting, landscaping directly associated with the artwork and identification plaques. Any costs related to utility relocations, site preparation and staff time directly associated with the installation of an artwork are also eligible.
  8. Non-eligible Costs: Architect and engineering fees, site preparation (including utility relocation), landscaping, and public works and community development staff costs not directly associated with the artwork.
  9. Project Valuation: The City's building permit valuation formula as set forth in Title 16 of the Municipal Code will be used as the basis for calculating the required expenditure for public art. The formula is based on the building standards published by the International Conference of Building Officials. In the case of park and open space projects, the one percent requirement will be calculated based on the total project budget, excluding administrative costs.
  10. Artwork Valuation:

When calculating the value of an artwork to be incorporated into a public project, eligible costs include:

- A. The purchase price of the artwork
- B. Art consultant fees
- C. Travel costs for the artist
- D. Transportation of the artwork to the site
- E. Installation of the artwork
- F. Site preparation costs directly associated with installation of the artwork
- G. Landscaping that is integral to the artwork
- H. Pedestals or display costs
- I. Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
- J. Identification plaque

Ineligible costs include:

- A. Land acquisition
- B. Site preparation
- C. Architect fees
- D. Fees associated with dedication ceremonies, publicity, or educational components
- E. Maintenance fees and repairs

**PROCESS**

Eligible projects are required to integrate public art. The artwork shall be located in publicly visible areas either inside a public building or on public property . Eligible projects will be required to provide artwork valued at one percent (1%) of the valuation of an eligible project, not to exceed \$500,000. The “not to exceed” threshold will be indexed for inflation beginning in FY 2003-2004. The artwork shall be valued at an amount equal to 1% of the project valuation within a variance of ten percent.

The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

1. The Director of Public Works and the Director of Parks and Recreation, or their designees shall be responsible for identifying municipal construction and renovation projects that meet the conditions of this policy and will be required to provide public art.
2. A project review committee consisting of staff from the Departments of Public Works, Parks and Recreation, and Community Development, as appropriate, will coordinate the public art component of an eligible municipal project. Possible locations for the artwork and the type of artwork to be considered for the project shall be identified with input from the Sunnyvale Arts Commission, City staff, interested citizens and project architects. Based upon this information, proposals will be solicited from qualified artists.
3. A draft Report to Council will be forwarded to the Arts Commission with two or more qualified proposals for review and recommendation prior to going to City Council for action.
4. Following Council approval of a specific art proposal, the Director of Parks and Recreation, or the Director’s designee(s), shall be responsible for coordinating the integration of the public artwork into the capital improvement project.
5. Artwork accepted by the City Council shall become part of the City’s Public Art Collection. All artwork in the collection will be documented in the City’s Public Art Inventory and identified with a metal plaque. Oversight of the Public Art Collection is the responsibility of the Department of Parks and Recreation.

(Adopted: RTC 02-136 (5/7/2002))

Lead Department: Department of Parks and Recreation